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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,246	04/25/2002	Bernd Hessing	10191/2071	8292
26646	7590	03/11/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			BEAULIEU, YONEL	
		ART UNIT	PAPER NUMBER	
		3661		

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s) HESSING ET AL.
	10/009,246	
	Examiner Yonel Beaulieu	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 2-58 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 20-58 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 April 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

It is noted the amendments to independent claims 20, 23, 35, and newly submitted independent claims 50, 54, and 58, namely, the limitation "a plurality of processing devices ... each having corresponding driver-information devices..." is not supported by the specification and/or the drawings.

### ***Response to Arguments***

Applicant's arguments filed 2 December 2003 have been fully considered but they are not persuasive.

It is clear from Katou's fig. 1 that item 4 provides for a visual interpretation as to how the data are utilized and outputted. The various devices are put on the data bus via item 47. The Examiner is not contesting Applicants' arguments with regard to a direct connection from item 4 to items 12 and 16; however, it is also clear item 4 is connected to item 1 (which includes items 12 and 16) via the data bus connected to interface 47.

For the above reason alone, it is believed the rejection is proper. An Office Action to that effect follows:

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connecting a plurality of processing devices each corresponding to a plurality of driver-information

devices must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claims 20 – 58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no support for connecting a plurality of processing devices each corresponding to a plurality of driver-information devices.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20 – 26, 29 – 39, 44 - 47, 50, 52 - 56, and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Katou (US 6,006,161).

Regarding claims 20, 22, 23, 34 - 36, 38, 39, 44, 50, 52 – 56, and 58, Katou teaches a method/driver-information device for outputting driving-information item (data) in a vehicle, comprising connecting to a data bus (bus connected to interface 47 in fig. 1) a plurality of driver-information devices (see fig. 1); driving-information being generated by a navigation device (2), wherein the position of the vehicle is ascertained (by way of item 21) causing a processing device (4; fig. 1) to generate the data; transmitting the data from the processing device on a digital data bus (via communication interface 47; col. 6: 16-17), an output unit (1) being connected to the data bus (see fig. 1); causing the output unit to receive and process the data via the bus (fig. 1) and causing the output unit to output (via either item 12 or 16) the processed data (col. 3: 66 – col. 4: 10 at least) – the device determining a route in a road and route network from a starting point to a destination (col. 1: 7 – 13 at least); and a first channel for commands and a second channel for output (as illustrated in fig. 1).

Regarding claims 21, 24 and 51, Katou's data include at least one of vehicle data and driving-information (see figs. 3 and 4).

Regarding claims 25 and 26, Katou displays (via item 12) an ascertained segment of a map having a road and route network simultaneously (see figs. 1, 3 (step S5), 5A, 5B; col. 4: 19 – 38 at least).

Regarding claim 29, Katou further teaches outputting the driving instruction by the output unit in response to a distance value (when detected by item 26; fig. 1).

Regarding claims 30, 31, 33, 48, and 49, Katou teaches displaying graphics object and audio data stored in a memory (41, 44 at least), the graphics object and the audio data being outputted in a corresponding display (12) and a loudspeaker (16; col. 3: 31 – col. 4: 10 at least).

Regarding claim 32, the processed audio data is for a voice output (note item 46 in fig. 1).

Regarding claim 37, Katou's output device (1) is connected to the storage unit which stores map data (note connection of item 4 to item 1; see fig. 1).

Regarding claims 45 – 47, Katou further teaches at least two driver-information devices, namely, a navigation device (2) and an on-board computer (4; see fig. 1).

Regarding claims 53 and 57, Katou teaches storing graphics objects and processed audio (by way of item 46) to the output unit (1; see fig. 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 28, and 40 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katou ('161) as applied to claim 23 (directly or indirectly) and further in view of Bechtolsheim et al. (US 6,208,934).

As discussed above, Katou teaches all of the limitations except for scale ranking the information by the navigation device and situating the unit in the console.

However, Bechtolsheim et al. teaches, in the same field of endeavor of navigation device, placing the unit in the vehicle console (note item 110 inside item 111 in fig. 1) and scale ranking navigational information (col. 4: 12 – 38 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Katou's device by placing the unit in the vehicle console and

scale ranking of navigational information as evidenced by Bechtolsheim in order to optimally present driving information to a driver of the vehicle.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

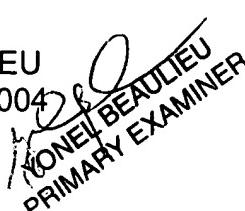
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. CUCHLINSKI can be reached on (703) 308-3873.. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU  
March 9, 2004  
  
YVONNE BEAULIEU  
PRIMARY EXAMINER